



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

MIGUEL CASTILLO,  
Defendant.

CASE NO. CV 08-4439 DDP (RZ)  
[S.D. Cal case no. 3:07-mj-01723-JMA]

ORDER TRANSFERRING MOTION  
TO SOUTHERN DISTRICT OF  
CALIFORNIA

Miguel Castillo is confined in the Southern District of California and has filed a 28 U.S.C. § 2255 motion to challenge a sentence handed down in that District. "Generally," however,

motions to contest the legality of a [federal] sentence must be filed under [28 U.S.C.] § 2255 in the sentencing court, while petitions that challenge the manner, location, or conditions of a sentence's execution must be brought pursuant to § 2241 in the custodial court.

1 *Harrison v. Ollison*, 519 F.3d 952, 956 (9th Cir. 2008) (quoting and following *Hernandez*  
2 *v. Campbell*, 204 F.3d 861, 864 (9th Cir. 2000) (footnote omitted)). This District Court  
3 did not sentence Castillo, nor is this his district of confinement. The Southern District  
4 sentenced him, and he is confined there.

5 Rather than dismiss this filing without prejudice, the Court in its discretion  
6 elects to transfer it to the proper district. *See* 28 U.S.C. §§ 1631 (transfer to cure lack of  
7 jurisdiction), 1406 (transfer to cure improper venue).

8 Accordingly, this motion is hereby TRANSFERRED to the United States  
9 District Court for the Southern District of California.

10  
11 IT IS SO ORDERED.

12 DATED: 7-17-08

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15 DEAN D. PREGERSON  
16 UNITED STATES DISTRICT JUDGE

17 Presented By:

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19 RALPH ZAREFSKY  
20 UNITED STATES MAGISTRATE JUDGE  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

312 North Spring Street, Room G-8  
Los Angeles, CA 90012  
Tel: (213) 894-3535

**SOUTHERN DIVISION**  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4750

**EASTERN DIVISION**  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(951) 328-4450

**SHERRI R. CARTER**  
District Court Executive and  
Clerk of Court

**To:** Clerk, United States District Court  
\_\_\_\_\_ District of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Re:** Transfer of our Civil Case No. \_\_\_\_\_  
Case Title: \_\_\_\_\_

Dear Sir/Madam:

**An order having been made transferring the above-numbered case to your district, we are transmitting herewith our file:**

- ☐ Original case file documents are enclosed in paper format.  
☐ Electronic Documents are accessible through Pacer.  
☐ Other: \_\_\_\_\_  
\_\_\_\_\_

Very truly yours,

Clerk, U.S. District Court

Date: \_\_\_\_\_

By \_\_\_\_\_  
Deputy Clerk

cc: All counsel of record

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**TO BE COMPLETED BY RECEIVING DISTRICT**

**Please acknowledge receipt via e-mail to appropriate address listed below and provide the case number assigned in your district:**

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☐ [CivilIntakecourtdocs-RS@cacd.uscourts.gov](mailto:CivilIntakecourtdocs-RS@cacd.uscourts.gov) (Riverside Office)  
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Case Number: \_\_\_\_\_

Clerk, U.S. District Court

Date: \_\_\_\_\_

By \_\_\_\_\_  
Deputy Clerk